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The trouble with the CIA is the 'I' part of its name



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WASHINGTON—There is a delicious irony in the fact that Max C. Hugel, chief of clandestine operations for the Central Intelligence Agency, felt obliged to resign his highly sensitive post because of—wiretaps.

Oh no, they weren't accusing him of having put the ear on their private communications, but someone had put the ear on him and recorded his conversations. The recordings were given to the Washington Post, and the recordings did him in.

They were not new wiretaps; they dated from the mid-1970s. And if any crimes were committed by Hugel or the fine business associates who were bugging him, the time for prosecuting those crimes has elapsed.

THERE ARE A COUPLE of things, however, that need some serious consideration, and it is not too late.

First of all, in our massively litigious society in which the call for an ambulance is routinely followed—or even preceded—by the call for a lawyer, anyone can get sued at any time. The more active people are, the more they are required to make difficult and rapid decisions, and the more likely it is that in the course of a lifetime those people will get sued for having made the wrong decisions.

When a person gets sued—whether it is a driver, doctor, lawyer, businessman or manufacturer—the rules of the game require that dreadful things be said in a complaint about his competence, intelligence and morals. To what extent should these allegations be considered in determining his fitness to hold public office? In my judgment, none at all.

If we are going to bar from elected or appointed office every person of whom something dreadful has been alleged in a lawsuit, we are going to deprive the nation of the services of our most aggressive, progressive and dynamic leaders.

MOVING ON FROM allegations in a lawsuit to recordings of a conversation, we get to a much murkier area.

The Washington Post would be the first to condemn the bugging of private phone conversations. Yet when the recordings are slipped to them, they publish them with glee.

Certainly, a true wiretap is potent evidence of what a person's words and motives were at the time of a conversa-

tion. But recordings can be doctored, clipped or wholly faked. There are valid reasons for the courts' reluctance to use them.

Hugel, in his letter of resignation, said the allegations against him were "unfounded, unproven and untrue." If this is accurate, he should not have resigned, for his resignation would be nothing but a victory for blackmail.

When we get beyond mere allegations in a complaint, and beyond surreptitious recordings, we get to a real decision in a real court. And that brings us, alas, not to Hugel, CIA chief of clandestine operations, but to William J. Casey, CIA director.

A FEDERAL JUDGE in a district court in Manhattan has ruled that 13 years ago, Casey and others knowingly "omitted and misrepresented facts" to investors in a corporation which shortly thereafter went broke. Having lost their investment, the unhappy investors sued. The judge has ruled that there is no question that the act complained of took place.

It is not a final decision. It will be appealed. It may be reversed. Until it is, however, there it hangs like a great

albatross around the neck of our director of central intelligence. It does not bear upon his ability to gather intelligence well. It does not bear upon his ability to interpret intelligence well. It does bear on his commitment to the truth. It is more persuasive than a complaint or a wiretap. The CIA has troubles enough without being burdened by a director who a federal court decreed misrepresented facts.

THE GREATEST BURDEN the CIA bears is that its intelligence is so bad. The litigation that has resulted in the Casey decision was no secret. It just never occurred to the CIA that it could turn out this way. In the case of Hugel, the CIA said its background investigation was thorough and complete, but it never found the unhappy business partners who did him in.

The CIA has spent the last five years blaming Congress, the media, the courts, ex-CIA agents, leaks and the law for its troubles. The trouble with the Central Intelligence Agency is its intelligence.